

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	

**Comments of Cimarron Telephone Company, L.L.C.,
Cross Telephone Company, L.L.C., and
The Pottawatomie Telephone Co., L.L.C.**

Cimarron Telephone Company, L.L.C., Cross Telephone Company, L.L.C., and The Pottawatomie Telephone Co., L.L.C. submit these comments in response to the Public Notices in the above-captioned proceeding.¹ The Public Notices seek comments on census blocks in which the National Broadband Map (“Map”) either overstates or understates broadband coverage.² The companies submit these comments to identify the census blocks within their service areas in which the Map understates broadband coverage. The Wireline Competition Bureau (“Bureau”) should deem these areas as served for purposes of the Connect America Fund Phase I support.³

I. Understated coverage.

Census blocks are designated as unserved on the Map if they lack fixed terrestrial broadband with an advertised speed of at least 3 Mbps downstream and 768 kbps upstream.⁴ The Map incorrectly identifies several census blocks as unserved in each of the companies’ service areas. Specifically, Cross Telephone provides fixed terrestrial broadband with

¹ *Wireline Competition Bureau Updates the List of Potentially Unserved Census Blocks in Price Cap Areas and Extends the Deadline for Comment on the List*, Public Notice, WC Docket No. 10-90 (rel. Dec. 10, 2012); *Wireline Competition Bureau Seeks Comment on Areas Shown as Unserved on the National Broadband Map for Connect America Phase I Incremental Support*, Public Notice, WC Docket No. 10-90 (rel. Dec. 5, 2012) (First Public Notice”); see also *In the Matter of Connect America Fund*, Further Notice of Proposed Rulemaking, WC Docket No. 10-90 (rel. Nov. 19, 2012) (“FNPRM”).

² First Public Notice; see also, FNPRM ¶ 15.

³ FNPRM ¶ 16.

⁴ First Public Notice; FNPRM ¶¶ 12, 15.

advertised speeds exceeding 3 Mbps downstream and 768 kbps upstream in the 20 census blocks listed on Attachment 1 that the Map incorrectly identifies as unserved.⁵ Because Cross provides fixed terrestrial broadband meeting the threshold speeds in these census blocks, the Bureau should deem those blocks as served for purposes of Phase I incremental support.⁶

Moreover, Cimarron Telephone and Pottawatomie Telephone will, within 45 days, provide fixed terrestrial broadband exceeding the threshold speeds throughout their service areas, including in the census blocks listed on Attachments 2 and 3 that the Map identifies as unserved.⁷ Cimarron and Pottawatomie currently provide broadband meeting the downstream threshold; their upstream speeds fall just short of the threshold.⁸ Both companies are in the midst of network upgrades, to be completed within 45 days, that will result in speeds of 5 Mbps downstream and 1 Mbps upstream throughout their service territories.⁹ Cimarron and Pottawatomie will notify the Bureau and update the record once they complete the upgrades.

Accordingly, the Bureau should identify the census blocks listed on Attachments 2 and 3 as served for purposes of Phase I incremental support¹⁰ because they will be served with speeds exceeding the thresholds before any Phase I incremental support is released, and before the Map is updated for Phase I support purposes.¹¹ Moreover, removing these census blocks from the list of areas eligible for Phase I support – and thus avoiding supporting areas that are already served – aligns with the Commission’s goals of promoting broadband

⁵ See Declaration of Robert David Wright (“Wright Declaration”) ¶ 3.

⁶ FNPRM ¶ 16.

⁷ See Wright Declaration ¶ 6.

⁸ *Id.* ¶¶ 3-4 (indicating that both companies’ downstream speeds meet the threshold, while Cimarron’s upstream speeds are 512 kbps and Pottawatomie’s upstream speeds are 704 kbps).

⁹ *Id.* ¶ 6.

¹⁰ FNPRM ¶ 16.

¹¹ *Id.* (proposing to implement the Bureau’s revised list of eligible census blocks after adoption of the rules proposed in the FNPRM).

deployment in areas that do not, or would not otherwise, have broadband¹² and ensuring efficient broadband investments.¹³

II. Explanation of why the areas are inaccurately reported.

In addition to requesting a list of census blocks in which the Map understates broadband coverage, the FNPRM requests that commenters explain why they believe that the areas were inaccurately recorded.¹⁴ With respect to Cimarron and Pottawatomie, the areas were accurately recorded. But, as stated above, these areas will be inaccurate by the time the Map is updated for Phase I support purposes. Cimarron and Pottawatomie will work with Sanborn, the state mapping entity, to help update the state maps once the companies complete their upgrades. With respect to Cross, after reviewing the situation with Sanborn, Cross believes that the areas on Attachment 1 are inaccurately reported because the Map was based on outdated speed data and relied, in part, on speed test results which were rarely reported to Sanborn.

A. Old data reflected slower speeds.

Sanborn believes, and the companies agree, that the Map appears to be based on older data that reflected slower internet speeds than actually offered. As technologies improved, and the companies invested in network upgrades, their broadband speeds improved. Cross now offers speeds of 5 Mbps downstream and 1 Mbps upstream in all of its service areas. And as stated above, Cimarron and Pottawatomie currently offer broadband speeds that fall just short of the upstream threshold and will soon offer speeds exceeding the threshold. Sanborn's data

¹² *In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform -- Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 ¶ 20 (2011) ("The CAF will help make broadband available to homes, businesses, and community anchor institutions that do not , or would not otherwise, have broadband ...").

¹³ See, e.g., *id.* ("The CAF will rely on incentive-based, market-driven policies, including competitive bidding, to distribute universal service funds as efficiently and effectively as possible.").

¹⁴ FNPRM ¶ 15.

more accurately reflect the companies' current offerings than the Map does. In sum, the reliance on older data led to inaccuracies on the Map.

B. Lack of speed test results.

As the companies understand it, the speeds reflected on Sanborn's maps also depended, in part, on results reported by customers. But few customers perform speed tests through a site that reports results to Sanborn. Rather, many customers use other sites such as SpeedTest.Net, which did not report results to Sanborn. Consequently, Sanborn may have reported a lack of coverage in areas even though coverage exists. Thus, the Map incorrectly shows these areas as unserved.

III. The companies' efforts to correct the errors with Sanborn.

Finally, the FNPRM requests that commenters outline steps they have taken to bring errors to the attention of state mapping entities.¹⁵ Over the last 12 months, the companies have worked with Sanborn to correct the errors to the state broadband map. Since the FNPRM was released, the companies have worked with Sanborn to determine the source of inaccuracies on the Map. The companies provided, and continue to provide, updated speed data that Sanborn uses to update its maps. Sanborn's maps more accurately reflect the companies' actual speed offerings than when the Map was created.¹⁶ In sum, the companies' efforts to correct Sanborn's maps, and determine the source of inaccuracies on the Map, have been fruitful.

IV. Conclusion.

The Map identifies as unserved several areas that Cross actually serves, and that Cimarron and Pottawatomie will soon fully serve. Thus, the Map understates coverage in those areas. The companies respectfully request that the Bureau deem the census blocks identified on the attachments as served for purposes of Phase I incremental support.

¹⁵ FNPRM ¶ 15.

¹⁶ See www.sanborn.com/industries/broadband (last visited Jan. 7, 2013) (providing a link to the Oklahoma Broadband Map).

Respectfully submitted,

A handwritten signature in blue ink that reads "Jacob E. Baldwin". The signature is fluid and cursive, with the first name "Jacob" being more prominent.

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The Pottawatomie Telephone Co., L.L.C.

January 9, 2013

Attachment 1

Cross Telephone Company 20 census blocks served

400612791001000
400612791001058
400612791001127
400612791001146
400612792001115
400612792001124
400612793001030
400612793003021
400612793003042
400612793003110
400612793003124
400612793003131
400612793003163
400612794001013
400612794001025
400612794001028
400612794001036
400612794001048
400612794001095
400612794001135

Attachment 2

**Cimarron Telephone Company
265 census blocks to be served**

400370207041000	400370207051150	400370207052083	400370207061070
400370207041081	400370207051151	400370207052084	400370207061071
400370207042008	400370207051153	400370207052088	400370207061072
400370207042016	400370207051168	400370207052093	400370207061075
400370207042018	400370207051170	400370207052097	400370207061076
400370207051008	400370207051174	400370207052099	400370207061077
400370207051023	400370207051181	400370207052100	400370207061079
400370207051024	400370207051182	400370207052125	400370207061080
400370207051025	400370207051184	400370207052154	400370207061081
400370207051029	400370207052000	400370207052157	400370207061083
400370207051036	400370207052002	400370207061000	400370207061095
400370207051063	400370207052003	400370207061004	400370207061096
400370207051071	400370207052005	400370207061005	400370207061097
400370207051074	400370207052006	400370207061007	400370207061098
400370207051075	400370207052007	400370207061010	400370207061099
400370207051078	400370207052009	400370207061011	400370207061101
400370207051079	400370207052013	400370207061022	400370207061103
400370207051080	400370207052017	400370207061023	400370207061104
400370207051088	400370207052018	400370207061039	400370207061105
400370207051089	400370207052019	400370207061040	400370207061106
400370207051090	400370207052021	400370207061043	400370207061107
400370207051093	400370207052024	400370207061045	400370207061108
400370207051099	400370207052034	400370207061047	400370207061109
400370207051105	400370207052050	400370207061048	400370207061110
400370207051110	400370207052055	400370207061049	400370207061111
400370207051115	400370207052056	400370207061050	400370207061118
400370207051119	400370207052058	400370207061051	400370207061121
400370207051124	400370207052060	400370207061052	400370207061122
400370207051127	400370207052061	400370207061054	400370207061123
400370207051130	400370207052066	400370207061055	400370207061124
400370207051131	400370207052068	400370207061061	400370207061125
400370207051134	400370207052071	400370207061062	400370207061130
400370207051135	400370207052072	400370207061063	400370207061134
400370207051138	400370207052076	400370207061066	400370207061135
400370207051149	400370207052077	400370207061067	400370207061137

400370207061144	400370207062072	401139400011201	401139400072100
400370207061146	400370207062077	401139400011203	401139400072101
400370207061147	400370207062092	401139400011204	401139400072102
400370207061154	400370207062094	401139400011208	401139400072104
400370207061155	400370207062109	401139400011212	401139400072109
400370207061156	400370207062110	401139400011227	401139400072110
400370207061166	400370207062115	401139400011248	401139400072111
400370207061167	400370207062121	401139400011254	401139400072112
400370207061169	400370207062123	401139400011257	401139400072113
400370207061174	400370207062129	401139400011260	401139400072114
400370207061176	400370207062134	401139400011264	401139400072116
400370207061183	400370207062136	401139400011329	401139400072130
400370207061184	400370207062157	401139400011338	401139400072133
400370207061188	400370207062159	401139400011342	401139400072134
400370207062027	400370207062161	401139400071020	401139400072138
400370207062031	400370207062163	401139400071037	401139400072149
400370207062040	400370207062169	401139400071044	401139400072150
400370207062041	400370207062175	401139400071095	401139400072151
400370207062044	400370207062176	401139400071120	401139400072161
400370207062046	400370207062178	401139400072008	401139400072162
400370207062047	400370207062180	401139400072012	
400370207062049	400370207062181	401139400072014	
400370207062053	400370207062193	401139400072017	
400370207062054	400370207062201	401139400072021	
400370207062055	400370207062204	401139400072022	
400370207062056	400370207062205	401139400072024	
400370207062058	400370207062206	401139400072034	
400370207062060	400370207062208	401139400072041	
400370207062062	400370207062254	401139400072044	
400370207062063	400370207062266	401139400072054	
400370207062067	401139400011185	401139400072059	
400370207062068	401139400011188	401139400072060	
400370207062069	401139400011192	401139400072066	
400370207062070	401139400011195	401139400072088	
400370207062071	401139400011196	401139400072096	

Attachment 3

**Pottawatomie Telephone Company
84 census blocks to be served**

400272024052000	401255011025030	401255011026081	401255012011052
401255011013000	401255011025032	401255011026082	401255012011064
401255011013001	401255011025033	401255011026083	401255012011066
401255011013028	401255011025039	401255011026084	401255012011067
401255011013030	401255011025041	401255011026085	401255012011070
401255011013031	401255011025043	401255011026087	401255012011071
401255011013036	401255011025049	401255011026088	401255012011072
401255011013038	401255011025051	401255011026089	401255012011086
401255011013040	401255011025055	401255012011001	401255012011110
401255011013044	401255011025064	401255012011004	401255012011162
401255011013046	401255011025066	401255012011007	401255012011168
401255011013054	401255011025069	401255012011008	401255012011169
401255011013058	401255011025082	401255012011009	401255012011171
401255011013061	401255011025102	401255012011021	401255012011184
401255011013062	401255011026038	401255012011028	401255012011186
401255011013070	401255011026049	401255012011039	401255012011192
401255011013089	401255011026065	401255012011040	401255012011193
401255011025003	401255011026066	401255012011042	401255012011199
401255011025004	401255011026067	401255012011045	401255012011200
401255011025009	401255011026076	401255012011046	401255012011204
401255011025013	401255011026080	401255012011047	401255012011222

DECLARATION OF ROBERT DAVID WRIGHT

1. My name is Robert David Wright, and I am Chief Technology Officer ("CTO") of Cimarron Telephone Company, Cross Telephone Company, and Pottawatomie Telephone Company. I certify as follows.
2. As CTO, I am responsible for, among other things, designing the companies' networks, planning and implementing network upgrades, and overseeing network technical operations.
3. Cross Telephone's network provides broadband service with advertised speeds of 5 Mbps downstream and 1 Mbps upstream in each of the census blocks identified on Attachment 1 to the companies' comments.
4. Cimarron Telephone currently provides broadband service with advertised speeds of 3 Mbps downstream and 512 kbps upstream in its service areas.
5. Pottawatomie Telephone currently provides broadband service with advertised speeds of 3 Mbps downstream and 704 kbps upstream in its service areas.
6. Cimarron and Pottawatomie are currently in the process of implementing network upgrades that will allow them to provide broadband service with advertised speeds of 5 Mbps downstream and 1 Mbps upstream in each of the census blocks identified on Attachments 2 and 3 to the companies' comments. Those upgrades are scheduled to be completed by late February.
7. I declare under penalty of perjury that the facts contained in this Declaration, and in the companies' comments are true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read 'R. Wright', written over a horizontal line.

Robert David Wright
Chief Technology Officer

January 9, 2013